

**EPA Region 7 TSCA §1018 Lead-Based Paint Disclosure Rule
Inspection Report**

INSPECTION INFORMATION						
1.	Date of Inspection:	January 10, 2023	2.	Inspector:	Thomas Brick	<input checked="" type="checkbox"/> NEWSolutions/SEE <input type="checkbox"/> EPA Region 7
3.	Inspection Number:	TB011020231				
4.	Name of Facility/ Company	Pavelka Rentals LLC				
5.	Type of Facility:	<input checked="" type="checkbox"/> Lessor <input type="checkbox"/> Agent				
6.	Inspection was conducted at:			<input type="checkbox"/> a residence	or	<input checked="" type="checkbox"/> an office
		Description/Name:	Business office			
		Street Address:	101 E 2 nd Street			
		City:	Hastings			
		State:	NE	Zip:	68901	
7.	Mailing Address of Facility	Point of Contact:	Ryan Pavelka			
		Telephone Number:	402-469-7592			
		Company Name:	Pavelka Rentals LLC			
		Street Address:	101 E 2 nd Street			
		City:	Hastings			
		State:	NE	Zip:	68901	
8.	Inspection was	<input type="checkbox"/> unannounced		or	<input checked="" type="checkbox"/> scheduled in advance	
	If scheduled, when and how?	<input checked="" type="checkbox"/> by phone on January 6, 2023		<input type="checkbox"/> by letter on		
9.	Person(s) interviewed during inspection:					
	NAME	TITLE	EMPLOYER	TELEPHONE NUMBER		
	Ryan Thomas Pavelka	Owner	Pavelka Rentals LLC	402-469-7592, rpavs44@yahoo.com		

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	<p>A Region 7 inspection of Pavelka Rentals LLC 's target housing rental transaction records was conducted to determine the level of compliance with the Toxic Substances Control Act (TSCA) Title IV – Lead Exposure Reduction, 40 CFR Part 745 – Lead-Based Paint Poisoning Prevention in Certain Residential Structures, Subpart F – Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards Upon Sale or Lease of Residential Property.</p>				
10.	<p>On Tuesday, January 10, 2023, at approximately 8:00 <input checked="" type="checkbox"/> a.m., <input type="checkbox"/> p.m., I, Thomas Brick, arrived at Pavelka Rentals LLC located at 101 E 2nd Street, Hastings, Nebraska 68901. Upon arrival, I was greeted by Mr. Ryan Pavelka. I introduced myself, presented my credentials, and provided my business card.</p> <p>I explained that the purpose of my visit was to conduct an inspection to determine the level of compliance with the Toxic Substances Control Act (TSCA) Title IV – Lead Exposure Reduction, 40 CFR Part 745 – Lead-Based Paint Poisoning Prevention in Certain Residential Structures, Subpart F – Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards Upon Sale or Lease of Residential Property. I explained that after asking for some general business information, I would review approximately ten target housing rental agreements and associated disclosure forms, and that the inspection would take approximately two to four hours.</p>				
	<p>I asked Mr. Pavelka if he had the authority to grant consent to conduct the inspection. He said that he did, and I presented the Notice of Inspection form, which he signed and dated. A copy is included as Attachment A. I explained the TSCA Inspection Confidentiality Notice form which he then signed and dated. A copy is included as Attachment B.</p>				
	<p>I explained that at the conclusion of the inspection, I would conduct a closing conference with Mr. Pavelka at which I would review any potential violations observed, explain how to avoid them in the future, and provide a folder of compliance assistance materials.</p> <p>I requested an example of a blank lead-based paint disclosure form, or blank lease containing lead-based paint disclosure information that he currently uses.</p> <p><input checked="" type="checkbox"/> It is included as Attachment C. <input type="checkbox"/> One was not available to provide.</p> <p>I requested an example of the EPA-approved lead hazard information pamphlet that he currently provides to lessees.</p> <p><input checked="" type="checkbox"/> It is included as Attachment D. <input type="checkbox"/> One was not available to provide.</p>				
	<p>GENERAL BUSINESS INFORMATION</p>				
11.	Pavelka Rentals LLC	<input checked="" type="checkbox"/> owns	<input type="checkbox"/> manages	59	residential rental dwelling units.
				AT THE INSPECTION LOCATION	TOTAL
	Number of different properties:		None		59
	Number of property owners represented:		One		One
	Number of target housing units:		None		50
	Number of HUD/Section 8/assisted units:		None		None
	Number of employees:		None		None

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Region 7 TARGET HOUSING RENTAL PROPERTY INFORMATION:					
12.1	Property location/address:		738 E 3 rd Street, Hastings, NE 68901		
	Name of apartment complex:		N/A		
	Property owner & address:		Pavelka Rentals LLC, 101 E 2 nd Street, Hastings, NE 68901		
	Year built:	1942	Number of dwelling units:	1	
	Number of target housing units:	1	Number of HUD/Section 8 units:	None	
12.2	Property location/address:		607 E 4 th Street, Hastings, NE 68901		
	Name of apartment complex:		N/A		
	Property owner & address: 1		Pavelka Rentals LLC, 101 E 2 nd Street, Hastings, NE 68901		
	Year built:	1910	Number of dwelling units:	1	
	Number of target housing units:	1	Number of HUD/Section 8 units:	None	
12.3	Property location/address:		708 S Kansas Avenue, Hastings, NE 68901		
	Name of apartment complex:		N/A		
	Property owner & address:		Pavelka Rentals LLC, 101 E 2 nd Street, Hastings, NE 68901		
	Year built:	1942	Number of dwelling units:	1	
	Number of target housing units:	1	Number of HUD/Section 8 units:	None	
12.4	Property location/address:		814 E 5 th Street, Hastings, NE 68901		
	Name of apartment complex:		N/A		
	Property owner & address:		Pavelka Rentals LLC, 101 E 2 nd Street, Hastings, NE 68901		
	Year built:	1944	Number of dwelling units:	1	
	Number of target housing units:	1	Number of HUD/Section 8 units:	None	
12.5	Property location/address:		2422 W 4 th Street, Hastings, NE 68901		
	Name of apartment complex:		N/A		
	Property owner & address:		Pavelka Rentals LLC, 101 E 2 nd Street, Hastings, NE 68901		
	Year built:	1951	Number of dwelling units:	1	
	Number of target housing units:	1	Number of HUD/Section 8 units:	None	
12.6	Property location/address:		1710 W 5 th Street, Hastings, NE 68901		
	Name of apartment complex:		N/A		
	Property owner & address:		Pavelka Rentals LLC, 101 E 2 nd Street, Hastings, NE 68901		
	Year built:	1928	Number of dwelling units:	1	
	Number of target housing units:	1	Number of HUD/Section 8 units:	None	

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TARGET HOUSING RENTAL TRANSACTIONS REVIEWED			
13.1	Address of unit:	738 E 3 rd Street, Hastings, NE 68901	
	Copies of documents collected:	<input checked="" type="checkbox"/> lease/rental agreement	<input type="checkbox"/> disclosure form (Vacant since mid-December 2022)
		<input checked="" type="checkbox"/> other	Lease information summary, copy of Letter from Nebraska Department of Health and Human Services, copy of lead testing lab report,
Copies included as Attachment E-1			
13.2	Address of unit:	607 E 4 th Street, Hastings, NE 689010	
	Copies of documents collected:	<input checked="" type="checkbox"/> lease/rental agreement	<input checked="" type="checkbox"/> disclosure form delivered and signed on January 5, 2023
		<input checked="" type="checkbox"/> other	Lease information summary
Copies included as Attachment E-2			
13.3	Address of unit:	708 S Kansas Avenue, Hastings, NE 68901	
	Copies of documents collected:	<input checked="" type="checkbox"/> lease/rental agreement	<input checked="" type="checkbox"/> disclosure form delivered and signed on January 4, 2023
		<input checked="" type="checkbox"/> other	Lease information summary
Copies included as Attachment E-3			
13.4	Address of unit:	814 E 5 th Street, Hastings, NE 68901	
	Copies of documents collected:	<input checked="" type="checkbox"/> lease/rental agreement	<input checked="" type="checkbox"/> disclosure form delivered and signed on January 4, 2023
		<input checked="" type="checkbox"/> other	Lease information summary
Copies included as Attachment E-4			
13.5	Address of unit:	2422 W 4 th Street, Hastings, NE 68901	
	Copies of documents collected:	<input checked="" type="checkbox"/> lease/rental agreement	<input checked="" type="checkbox"/> disclosure form delivered and signed on January 4, 2023
		<input checked="" type="checkbox"/> other	Lease information summary
Copies included as Attachment E-5			
13.6	Address of unit:	1710 W 5 th Street, Hastings, NE 68901	
	Copies of documents collected:	<input checked="" type="checkbox"/> lease/rental agreement	<input checked="" type="checkbox"/> disclosure form delivered and signed on January 4 and January 9, 2023
		<input checked="" type="checkbox"/> other	Lease information summary
Copies included as Attachment E-6			
SUMMARY OF OBSERVATIONS			
14.	The following possible deviations from the requirements of 40 CFR Part 745 Subpart F were observed during this inspection		
	RE: RENTAL TRANSACTION NUMBER(S) FROM ABOVE	CITATION	REQUIREMENT
	12.1, 12.2, 12.3, 12.4, 12.5, 12.6	§745.107	Failure to conduct <u>any</u> of the disclosure activities required by 40 CFR §745.107
	12.1, 12.2, 12.3, 12.4, 12.5, 12.6	§745.107	Failure to disclose <u>prior to obligation</u> under contract to lease target housing, as required by 40 CFR '745.107
	12.1, 12.2, 12.3, 12.4, 12.5, 12.6	§745.107(a)(1)	Failure to provide the lessee with an EPA-approved lead hazard information pamphlet, as required by 40 CFR '745.107(a)(1)
		§745.107(a)(2)	Failure to disclose to the lessee the presence of any known lead-based paint and/or lead-based paint hazards in the target housing, as required by 40 CFR '745.107(a)(2)

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		§745.107(a)(3)	Failure to disclose to each agent the presence of any known lead-based paint and/or lead-based paint hazards and the existence of any available records or reports pertaining to lead-based paint and/or lead-based paint hazards, as required by 40 CFR '745.107(a)(3)
		§745.107(a)(4)	Failure to provide the lessee with any available records or reports pertaining to lead-based paint and/or lead-based paint hazards, as required by 40 CFR '745.107(a)(4)
12.1, 12.2, 12.3, 12.4, 12.5, 12.6		§745.113(b)(1)	Failure to include, either on an attachment or within the lease contract, the Lead Warning Statement@ contained in 40 CFR '745.113(b)(1), as required by 40 CFR '745.113(b)(1)
		§745.113(b)(2)	Failure to include, either on an attachment or within the lease contract, a statement by the lessor disclosing the presence of known lead-based paint and/or lead-based paint hazards in the target housing or indicating no knowledge of the presence of lead-based paint and/or lead-based paint hazards, as required by 40 CFR '745.113(b)(2)
		§745.113(b)(3)	Failure to include, either on an attachment or within the lease contract, a list of any records or reports available to the lessor pertaining to lead-based paint and/or lead-based paint hazards in the target housing which were provided to the lessee or indicating that no such reports or records exist, as required by 40 CFR '745.113(b)(3)
12.1, 12.2, 12.3, 12.4, 12.5, 12.6		§745.113(b)(4)	Failure to include, either on an attachment or within the lease contract, a statement by the lessee affirming receipt of the information set out in 40 CFR '745.113(b)(2) and 40 CFR '745.113(b)(3) and the lead hazard information pamphlet, as required by 40 CFR '745.113(b)(4)
		§745.113(b)(5)	Failure to include, either on an attachment or within the lease contract, a statement that: the agent has informed the lessor of their obligations under 42 U.S.C. '4852d, and that the agent is aware of their duty to ensure compliance with the requirements of 40 CFR Part 745, Subpart F, as required by 40 CFR '745.113(b)(5)
12.1, 12.2, 12.3, 12.4, 12.5, 12.6		§745.113(b)(6)	Failure to include, either on an attachment or within the lease contract, the dated signatures of the lessor, agent and lessee certifying to the accuracy of their statements, as required by 40 CFR '745.113(b)(6)
		§745.113(c)(1)	Failure to retain a copy of the completed attachment or lease contract containing the information required by 40 CFR §745.113(b) for no less than three years from the commencement of the leasing period, as required by 40 CFR '745.113(c)(1)
WRITTEN STATEMENT			
15.	The inspected entity/facility representative <input checked="" type="checkbox"/> did <input type="checkbox"/> did not provide a signed written statement. The signed statement is included as Attachment F.		
COMPLIANCE ASSISTANCE			
16.	I provided a folder containing compliance assistance information pertaining to the Lead-Based Paint Disclosure Rule §1018, the Pre-Renovation Education (PRE) Rule §§406(b)/402(c) and the Renovation, Repair, and Painting Rule §402(c). I briefly reviewed the materials in the folder. A list of the items in the folder is included in Attachment G.		

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PRE-RENOVATION EDUCATION RULE and RENOVATION, REPAIR and PAINTING RULE INFORMATION

17.	<p>After I explained what repair/renovation/painting activities are subject to regulation under 40 CFR Part 745 Subpart E, the facility representative stated that in the past twelve months, target housing owned and/or managed by this facility <input type="checkbox"/> did <input checked="" type="checkbox"/> did not undergo any repairs, renovations or painting activities as defined by 40 CFR Part 745 Subpart E. If subject repairs/renovations/painting activities did occur, provide as much of the following information as possible:</p>			
	ADDRESS WHERE WORK WAS PERFORMED	APPROXIMATE DATE OF WORK	TYPE OF WORK	NAME, ADDRESS, PHONE OF PERSON/ENTITY PERFORMING WORK

OTHER INFORMATION

18.	<p>Observations</p> <p>Mr. Pavelka stated that following my telephone call on January 6, to set up this meeting, he visited all his tenants and delivered copies of the Protect Your Family from Lead in Your Home pamphlet and obtained initialed and signed copies of the lessor Lead Hazard Disclosure form. He stated that until my call, he did not know about the Lead Hazard Disclosure rule. He also stated that he wanted to do everything he could to get into compliance.</p> <p>I stated that his actions were a step toward achieving compliance with this regulation. I also stated that the lessor Lead Hazard Disclosure form must be signed and dated by all parties before any obligation occurs under a lease of sale contract.</p> <p>Mr. Pavelka provided a copy of a revised list that he stated included information about Lead-based paint disclosure. (See Attachment C, Page 5.) Upon review of that addition, I observed that the lease warning statement was not included. I stated that he may want to include of complete copy of the Lessor disclosure form as part of his leases to ensure the proper disclosure language and initial and signature sections are included.</p> <p>I observed that the copy of the disclosure pamphlet provided as a sample was the 2003 edition. (See Attachment D, Page 16.) I stated to Mr. Pavelka that the current edition (March 2021) of the pamphlet can be downloaded from EPA.GOV. I also stated that revised pages for older versions were available from that site.</p> <p>Mr. Pavelka provided copies of leases for the six target housing units included in this report. In five instances I observed that the disclosure statement was dated after the lease was signed and the pamphlet copy provided to tenants was the 2003 edition. Mr. Pavelka stated that he delivered the pamphlet at the same time he got initials and signatures on the disclosure form. In the sixth instance, Mr. Pavelka stated that the rental unit, 738 E 3rd Street, Hastings, NE 68901, was vacant, that the tenants had move mid-December 2022.</p> <p>Mr. Pavelka provided a copy of a letter from the State of Nebraska Department of Health and Human Services department pertaining to a tenant's concern about the presence of lead-based paint and the tenant's child's blood lead level test showing an elevated blood lead level of 12. The letter and accompanying report are included in Attachment E-1, Pages 7-11.</p> <p>Nebraska's visit and inspection resulted from information received from the tenant. The EPA also received a telephone call from the tenant on September 19, 2022, expressing the tenant's concern about the presence of lead-based paint. The State of Nebraska Department of Health and Human Services determined conducted testing on May 13, 2022. See Supplemental Material, Page 5. The</p>

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EPA received an email from State of Nebraska Department of Health and Human Services on this matter dated September 20, 2022, included in Supplemental Material, Pages 5-7.

The part of the email string dated September 20, 2022, included a report of the tenant's 2-year-old daughter venous blood-lead level was 12 micrograms/deciliter. See Supplemental Material, Page 5.

I observed the following on the lease documentation provided.

Item 12.1: 738 E 3rd Street

- Mr. Pavelka stated the unit was vacant, that the tenant had moved mid-December 2022.

Item 12.2: 604 E 4th Street

- The lease was signed December 4, 2021.
- The Disclosure form was signed January 4, 2023.
- See Attachment E-2, Pages 5-6.

Item 12.3: 708 S Kansas Avenue

- The lease was signed May 15, 2015.
- The Disclosure form was signed January 4 and 5, 2023.
- See Attachment E-3, Pages 5-6.

Item 12.4: 814 E 5th Street

- The lease was signed May 23, 2022.
- The Disclosure form was signed January 4, 2023.
- See Attachment E-4, Pages 5-6.

Item 12.5: 2422 W 4th Street

- The lease was signed October 21, 2022.
- The Disclosure form was signed January 4, 2023.
- See Attachment E-5, Pages 5-6.

Item 12.6: 1710 W 5th Street

- The lease was signed September 23, 2022.
- The Disclosure form was signed January 4 and 9, 2023.
- See Attachment E-6, Pages 5-6.

CLOSING CONFERENCE

19.

I completed and signed a Receipt for Documents form listing all documents copied, which the facility representative signed and dated. A copy of this form is included as Attachment H. At the closing conference, I reviewed the potential violations observed, and explained how to correct them. I also explained that there could be changes, pending further review by EPA Regional Office staff. I explained that as the inspector, I collected information and evidence, but would not be making a final determination with regard to compliance and/or enforcement. I explained that he would be mailed a copy of the final inspection report within sixty days of the inspection.

This completed the inspection, and I left the premises at 10:30

☒ a.m.

☐ p.m.

REPORT SUBMITTED BY

20.

Inspector's Signature
Thomas Brick, Inspector

Date

Candace Bednar, Chemical Branch Chief

Date

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ATTACHMENTS		
21.	A	Notice of Inspection Form
	B	Notice of Confidentiality Form
	C	Example of blank disclosure form, or blank lease containing disclosure information, provided by facility
	D	Example of lead hazard information pamphlet provided by facility
	E (E-1 through E-6)	Copies of Leases and Disclosure Forms
	F	Written Statement
	G	List of Compliance Assistance Materials provided to facility
	H	Receipt for Documents
	I	Other <i>(list/describe)</i> Copy of blank lease without disclosure information
	J	Other <i>(list/describe)</i> Copy of property ownership list